

CLOSED, JURY, LC02

Eastern District of Washington
U.S. District Court (Spokane)
CIVIL DOCKET FOR CASE #: 2:02-cv-00066-FVS

Machado, et al v. Ashcroft, et al
Assigned to: Judge Fred Van Sickle
Demand: \$0
Cause: 28:1331 Fed. Question

Date Filed: 02/19/2002
Date Terminated: 06/18/2002
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Marcos Gonzalez Machado
*by and through David Groesbeck, the
Proposed Guardian ad Litem, and all
others similarly situated*

represented by **Atieno C Odhiambo**
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Plaintiff

David Groesbeck
Proposed Guardian ad Litem

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V.

Defendant

John - Ashcroft
Attorney General

represented by **Michelle E Gorden**
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Defendant

Robert - Coleman
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Defendant

Immigration and Naturalization Service

represented by **Michelle E Gorden**
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Date Filed	#	Docket Text
02/19/2002	1	RECEIVED Complaint - Receipt #none (IFP) (CP) (Entered: 02/20/2002)
02/19/2002	3	COMPLAINT (Summons(es) issued) Fee-status: ifp Receipt #: ifp (CP) (Entered: 02/20/2002)
02/19/2002	4	MOTION by plaintiffs for Class Certification (Class Action) (CP) (Entered: 02/20/2002)
02/19/2002	5	Memorandum by plaintiffs in support of Class Certification (Class Action) [4-1] (CP) (Entered: 02/20/2002)
02/19/2002	6	Declaration of Rhonda Brownstein in Support of Plaintiffs' Motion for Class Certification (Class Action) [4-1] (CP) (Entered: 02/20/2002)
02/19/2002	7	Declaration of Nancy L Isserlis in Support of Plaintiffs' Motion for Class Certification (Class Action) [4-1] (CP) (Entered: 02/20/2002)
02/19/2002	8	Declaration of Patricia J Arthur in Support of Plaintiffs' Motion for Class Certification (Class Action) [4-1] (CP) (Entered: 02/20/2002)
02/19/2002	9	Declaration of Matt Adams in Support of Plaintiffs' Motion for Class Certification (Class Action) [4-1] (CP) (Entered: 02/20/2002)
02/19/2002	10	Declaration of Atieno Odhiambo in Support of Plaintiffs' Motion for Class Certification (Class Action) [4-1] (CP) (Entered: 02/20/2002)
02/19/2002	11	Notice by plaintiffs of hearing setting motion for Class Certification (Class Action) [4-1] (w/o oral argument 3/25/02) (CP) (Entered: 02/20/2002)
02/19/2002	12	MOTION by plaintiffs to File Overlength Brief (CP) (Entered: 02/20/2002)
02/19/2002	13	Notice by plaintiffs of hearing on Motion for Leave to File Overlength Brief LR 7.1(f) and (h) [12-1] (w/o oral argument 3/25/02) (CP) (Entered: 02/20/2002)
02/19/2002	14	MOTION by plaintiffs for appointment of Guardian ad Litem (LR 17.1(a)) (CP) (Entered: 02/20/2002)
02/19/2002	15	Declaration of Atieno Odhiambo in Support of Motion for appointment of Guardian ad Litem (LR 17.1(a)) [14-1] (CP) (Entered: 02/20/2002)
02/19/2002	16	Notice by plaintiffs of hearing setting motion for appointment of Guardian ad Litem (LR 17.1(a); LR 7.1(h)) [14-1] (w/o oral argument 3/25/02) (CP) (Entered: 02/20/2002)

02/19/2002	17	Notice by plaintiffs of hearing on Motion for Permission to Participate Pro Hac Vice LR 83.2(c) Without Oral Argument 3/25/02 (CP) Modified on 02/22/2002 (Entered: 02/20/2002)
02/20/2002	2	ORDER TO PROCEED IN FORMA PAUPERIS by Magistrate Judge Cynthia Imbrogno (nunc pro tunc 2/19/02)(cc: all counsel) (CP) Modified on 02/22/2002 (Entered: 02/20/2002)
02/20/2002	18	MOTION by plaintiffs to Participate pro hac vice (re: atty Rohit Nepal) (CP) (Entered: 02/20/2002)
02/20/2002	19	MOTION by plaintiffs to Participate pro hac vice (re: Rhonda Brownstein) (CP) (Entered: 02/20/2002)
02/20/2002	20	Declaration of Rohit Nepal in Support of Plaintiffs' Motion for Class Certification (Class Action) [4-1] (CP) (Entered: 02/20/2002)
02/25/2002		Law Clerk assigned to case is 02 (PW) (Entered: 02/25/2002)
02/26/2002	21	MOTION by plaintiffs Marcos Gonzalez Machado & David Groesbeck for temporary restraining order and for preliminary injunction (SAP) (Entered: 02/27/2002)
02/26/2002	22	Memorandum by plaintiffs Marcos Gonzalez Machado, David Groesbeck in support of motion for temporary restraining order [21-1], motion for preliminary injunction [21-2] (SAP) (Entered: 02/27/2002)
02/26/2002	23	Declaration of Daniel Smith by plaintiffs re motion for temporary restraining order [21-1], re motion for preliminary injunction [21-2] (SAP) (Entered: 02/27/2002)
02/26/2002	24	Declaration of Margaret H. Taylor by plaintiffs re motion for temporary restraining order [21-1], re motion for preliminary injunction [21-2] (SAP) (Entered: 02/27/2002)
02/26/2002	25	Declaration of Ann E. Benson by plaintiffs re motion for temporary restraining order [21-1], re motion for preliminary injunction [21-2] (SAP) (Entered: 02/27/2002)
02/26/2002	26	Declaration of Marcos Gonzalez Machado by plaintiffs re motion for temporary restraining order [21-1], re motion for preliminary injunction [21-2] (SAP) (Entered: 02/27/2002)
02/26/2002	27	Notice by plaintiffs of hearing setting motion for temporary restraining order [21-1] (w/o oral argument 2/26/02) (SAP) (Entered: 02/27/2002)
02/26/2002	28	Notice by plaintiffs of hearing setting motion for preliminary injunction [21-2] (w/o oral argument 3/8/02) (SAP) (Entered: 02/27/2002)
02/26/2002	29	MOTION by plaintiffs Marcos Gonzalez Machado, David Groesbeck for leave to file overlength brief (SAP) (Entered: 02/27/2002)
02/26/2002	30	Notice by plaintiffs of hearing setting motion for leave to file overlength brief [29-1] (w/o oral argument 3/29/02) (SAP) (Entered: 02/27/2002)

02/26/2002		End file #1 (docs 1-24) (SAP) (Entered: 03/07/2002)
02/27/2002	31	TEMPORARY RESTRAINING ORDER by Chief Judge Fred L. Van Sickle: INS shall not remove pltf Machado from USA prior to 3/7/02; telephonic hrg set for 10:00 3/5/02 Spokane, WA to determine if this order to remain in effect w/pltfs to initiate call; pltfs do not need to post a bond at this time (cc: all counsel via facsimile & mail) (SAP) (Entered: 02/27/2002)
02/27/2002	32	AMENDED TEMPORARY RESTRAINING ORDER by Chief Judge Fred L. Van Sickle: pltfs' mtn to file an overlength brief [12-1] is granted; pltfs' mtn for TRO [21-1] is granted in part & denied in part; INS shall not remove pltf Machado from USA prior to 3/7/02; telephonic hrg set 3/5/02 @ 10:00 w/pltfs to initiate call; pltfs do not need to post a bond at this time (cc: all counsel via facsimile & regular mail) (SAP) (Entered: 02/28/2002)
02/28/2002		(PW) (Entered: 02/28/2002)
03/05/2002	33	MINUTES: Telephonic TRO hearing held before Chief Judge Fred L. Van Sickle Hrg Location: Spokane; Topper Baker court reporter (SAP) (Entered: 03/05/2002)
03/05/2002	34	ORDER by Chief Judge Fred L. Van Sickle granting motion for leave to file overlength brief [29-1], granted in part and denied in part [21-2] motion for preliminary injunction, INS shall not remove Marcos Gonzalez Machado from US prior to end of case or upon further order of the court; INS shall not conduct hrgs/proceedings re removal/deportation except upon order of the court; INS to permit access by Machado's counsel to all records; if parties have not reached agr by 3/6/02 12:00 pm re release of Machado from INS custody, then court appoints Marie Higuera to represent Machado for limited purpose of securing his release from INS custody w/atty's fees to be paid by dfts; bond requirement by pltf is waived; court to set expedited schedling conf (cc: all counsel & atty Higuera via fax & mail) (SAP) Modified on 03/07/2002 (Entered: 03/07/2002)
03/07/2002	35	NOTICE of ATTORNEY APPEARANCE for defendant Immigration and Nat; Atty William Herbert Beatty appearing (SAP) (Entered: 03/08/2002)
03/12/2002		Status Conference Notice ;telephonic status conf 8:30 4/19/02 Spokane, WA (PW) (Entered: 03/12/2002)
03/20/2002	36	OBJECTION by Federal defendants' to plaintiff's motions: to motion to Participate pro hac vice (re: Rhonda Brownstein) [19-1], motion to Participate pro hac vice (re: atty Rohit Nepal) [18-1], motion for appointment of Guardian ad Litem (LR 17.1(a)) [14-1], motion for Class (Class Action) [4-1] (SAP) (Entered: 03/20/2002)
03/20/2002	37	FIRST AMENDED COMPLAINT for Injunctive and Declaratory Relief (SAP) (Entered: 03/20/2002)
03/21/2002	38	REPORTER'S TRANSCRIPT FILED. CR : Topper S Baker Judge Van Sickle City : Spokane, WA For date of 3/5/02 Type of Proceeding: Telephonic Hrg on TRO (CP) (Entered: 03/21/2002)
03/22/2002	39	NOTICE OF ADDRESS CORRECTION by plaintiff (CP) (Entered: 03/22/2002)

03/25/2002	40	NOTICE of ATTORNEY APPEARANCE for defendant John Ashcroft, defendant Robert Coleman, defendant Immigration and Nat; Atty Michelle E Gorden appearing (SAP) (Entered: 03/25/2002)
03/27/2002	41	ORDER re Motions by Chief Judge Fred L. Van Sickle; parties to jointly file by 4/17/02 a briefing schedule for all pending and anticipated motions; court will set a date for motions to be re-noted at status conf on 4/19/02; 3/25/02 is sticken for motion for appointment of Guardian ad Litem (LR 17.1(a)) [14-1] & motion for Class Certification (Class Action) [4-1] (cc: all counsel) (SAP) (Entered: 03/27/2002)
03/29/2002	42	SUMMONS/RETURN OF SERVICE executed upon defendant John - Ashcroft, defendant Robert - Coleman (CP) (Entered: 03/29/2002)
04/08/2002	43	JOINT Status Conference Certificate filed (SAP) (Entered: 04/08/2002)
04/16/2002	44	SUBMISSION re Discovery Plan & Initial Disclosure Deadlines by plaintiffs (SAP) (Entered: 04/16/2002)
04/19/2002	45	MOTION by defendants John Ashcroft, Robert Coleman & Immigration and Nat for leave to file overlength brief (SAP) (Entered: 04/22/2002)
04/19/2002	46	Memorandum by defendants John Ashcroft, Robert Coleman & Immigration and Nat in support of motion for leave to file overlength brief [45-1] (SAP) (Entered: 04/22/2002)
04/19/2002	47	MOTION by defendants John Ashcroft, Robert Coleman & Immigration and Nat to dismiss the complaint and to vacate the court's 3/5/02 order granting a preliminary injunction (SAP) (Entered: 04/22/2002)
04/19/2002	48	Memorandum by defendants John Ashcroft, Robert Coleman & Immigration and Nat in support of motion to dismiss the complaint [47-1] & motion to vacate the court's 3/5/02 order granting a preliminary injunction [47-2] (SAP) (Entered: 04/22/2002)
04/19/2002	49	Notice by defendants John Ashcroft, Robert Coleman & Immigration and Nat of hearing setting motion for leave to file overlength brief [45-1] with oral argument 1:30 6/6/02 Spokane, WA, setting motion to dismiss the complaint [47-1] with oral argument 1:30 6/6/02 Spokane, WA, setting motion to vacate the court's 3/5/02 order granting a preliminary injunction [47-2] with oral argument 1:30 6/6/02 Spokane, WA (SAP) (Entered: 04/22/2002)
04/19/2002	50	Certificate of service by defendants John Ashcroft, Robert Coleman & Immigration and Nat of: docs #45-49 (SAP) (Entered: 04/22/2002)
04/19/2002	51	MINUTES: Status/Scheduling Conference hearing held before Chief Judge Fred L. Van Sickle Hrg Location: Spokane; Mark Snover court reporter (SAP) (Entered: 04/22/2002)
04/24/2002	52	Notice by plaintiff of hearing setting motion for Class Certification (Class Action) [4-1]; oral argument 1:30 6/6/02 Spokane, WA (LE) (Entered: 04/24/2002)
04/29/2002	53	Scheduling Conference Order by Chief Judge Fred L. Van Sickle Disp mtn ddl:

		10/7/02; Mtn in limine ddl: 10/28/02 ; In-court hearing set 1:30 6/6/02 Spokane, WA ;discovery to be complete 9/30/02 ;proposed PTO due 1/2/03; Pretrial Conf set 8:30 1/7/03 Spokane, WA ; Non-Jury Trial set 9:00 1/27/03 Spokane, WA (cc:all counsel) (CP) Modified on 04/30/2002 (Entered: 04/29/2002)
05/07/2002	54	MOTION by defendant John Ashcroft, defendant Robert Coleman, defendant Immigration and Nat for an extension of time to file a response to plaintiff's motion for class certification (SAP) (Entered: 05/07/2002)
05/07/2002	55	Declaration of Marcos Gonzalez Machado by plaintiffs Marcos Gonzalez Machado, David Groesbeck (SAP) (Entered: 05/07/2002)
05/07/2002	56	PROPOSED RECEIVED Stipulation and Order vacating stay of removal proceedings and stay of removal re: submitted by plaintiffs Marcos Gonzalez Machado & David Groesbeck (SAP) (Entered: 05/07/2002)
05/07/2002	57	Stipulation and ORDER Vacating Stay of Removal Proceedings and Stay of Removal by Chief Judge Fred L. Van Sickle re order of 3/5/02 [34-1] both court's stay of pltf's administrative proceedings & stay of his removal from US are VACATED (cc: faxed to all counsel) (SAP) (Entered: 05/08/2002)
05/07/2002	58	ORDER Extending Briefing Deadlines for Motion to Certify Class by Chief Judge Fred L. Van Sickle; dft's motion for an extension of time [54-1] is GRANTED IN PART; govt's resp ddl 5/17/02; pltf's rply ddl 5/31/02 (cc: all counsel) (SAP) (Entered: 05/08/2002)
05/17/2002	59	Memorandum by defendant John - Ashcroft, defendant Robert - Coleman, defendant Immigration and Nat in opposition to motion for Class Certification (Class Action) [4-1] (SAP) (Entered: 05/17/2002)
05/20/2002	60	MOTION by plaintiff to file overlength brief (RF) (Entered: 05/20/2002)
05/20/2002	61	Notice of Hearing by plaintiff setting motion to file overlength brief [60-1] (w/o oral argument 6/6/02) (RF) (Entered: 05/20/2002)
05/20/2002	62	Declaration of Nancy L Isserlis by plaintiff in support of motion to file overlength brief [60-1] (RF) (Entered: 05/20/2002)
05/20/2002	63	Plaintiffs' opposition to Defendants' motion to dismiss the complaint [47-1] (RF) (Entered: 05/20/2002)
05/20/2002	64	Appendix to plaintiffs' opposition to Defendants' motion to dismiss [63-1] (Exhibits 1-7) (RF) (Entered: 05/20/2002)
05/31/2002	65	Reply by plaintiffs Marcos Gonzalez Machado, David Groesbeck re memorandum in opposition to class certification [59-1] (SAP) (Entered: 06/03/2002)
05/31/2002	66	Reply by defendants to plaintiff's memorandum in opposition to defendants' motion to dismiss the complaint and vacate the court's 3/5/02 order granting a preliminary injunction [63-1] (SAP) (Entered: 06/03/2002)
06/06/2002	67	MINUTES: Motion hearing held before Chief Judge Fred L. Van Sickle Hrg Location: Spokane; Mark Snover court reporter (SAP) (Entered: 06/07/2002)

06/17/2002	68	MINUTES: Telephonic motion hearing held before Chief Judge Fred L. Van Sickle Hrg Location: Spokane; Mark Snover court reporter (SAP) (Entered: 06/18/2002)
06/18/2002	69	ORDER Granting Motion to Dismiss by Chief Judge Fred L. Van Sickle; dft's mtn to dismiss the complaint [47-1] is GRANTED; this action is DISMISSED WITH PREJUDICE; pltf's mtn for Class Certification (Class Action) [4-1] is DENIED AS MOOT; granting motion for appointment of Guardian ad Litem (LR 17.1(a)) [14-1], granting motion to Participate pro hac vice (re: atty Nepal) [18-1], granting motion to Participate pro hac vice (re: Rhonda Brownstein) [19-1], granting motion for leave to file overlength brief [45-1], granting motion to file overlength brief [60-1], dft's mtn to vacate [47-2] is DENIED AS MOOT; DCE to close file; CrOB-188-90; case terminated (cc: all counsel) (SAP) (Entered: 06/18/2002)
07/15/2002	70	Application by plaintiff for attorney fees (CP) (Entered: 07/15/2002)
07/29/2002	71	MOTION by defendant to dissolve the preliminary injunction granting appointment of counsel at government expense & ... (SAP) (Entered: 07/30/2002)
07/29/2002	71	... & Memorandum by defendant in opposition to application motion for attorney fees [70-1] (SAP) (Entered: 07/30/2002)
08/13/2002	72	BRIEF in Support of Fees by plaintiff Marcos Gonzalez Machado (SAP) (Entered: 08/14/2002)
08/20/2002		FAXED/MAILED order re atty's fees to all counsel (SAP) (Entered: 08/20/2002)
08/20/2002	73	ORDER by Chief Judge Fred L. Van Sickle granting motion to dissolve the preliminary injunction granting appointment of counsel at government expense [71-1]; atty Marie Higuera is appointed counsel retroactively under 18 USC 3006A(a)(2); atty Higuera is to submit an appl for pyment under CJA; DCE to process appl for atty's fees under CJA (cc: all counsel & atty Higuera w/CJA form) (SAP) (Entered: 08/21/2002)

PACER Service Center			
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